

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**FORM TO BE USED BY FEDERAL PRISONERS IN FILING A  
PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

\_\_\_\_\_  
Petitioner,

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Address or place of confinement and prison number.  
Full name which you were convicted under.)

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_  
Respondent.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Name of Warden or other authorized person having  
custody of petitioner.)

**PLEASE COMPLETE THE FOLLOWING: (check appropriate number)**

**This petition concerns:**

1. a. \_\_\_\_\_ a conviction.
- b. \_\_\_\_\_ a sentence.
- c. \_\_\_\_\_ jail or prison conditions
- d. \_\_\_\_\_ prison discipline.
- e. \_\_\_\_\_ a parole problem.
- f. \_\_\_\_\_ other.

2. Place of detention \_\_\_\_\_

3. Name and location of court which imposed sentence \_\_\_\_\_  
\_\_\_\_\_

4. The indictment number or numbers (if known) upon which, and the offense or offenses for which, sentence was imposed:

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

5. The date upon which sentence was imposed and the terms of the sentence:

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

6. Check whether a finding of guilty was made:

(a) After a plea of guilty \_\_\_\_\_

(b) After a plea of not guilty \_\_\_\_\_

(c) After a plea of nolo contendere \_\_\_\_\_

7. If you were found guilty after a plea of not guilty, check whether that finding was made by:

(a) a jury \_\_\_\_\_

(b) a judge \_\_\_\_\_

8. Did you appeal from the judgment of conviction or the imposition of sentence?

( ) Yes ( ) No

9. If you appealed, give the following information for each appeal:

- a. (1) Name of court \_\_\_\_\_
- (2) Result \_\_\_\_\_
- (3) Date of result \_\_\_\_\_
- (4) Citation or number of opinion \_\_\_\_\_
- (5) Grounds raised (list each)
- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_
- b. (1) Name of court \_\_\_\_\_
- (2) Result \_\_\_\_\_
- (3) Date of result \_\_\_\_\_
- (4) Citation or number of opinion \_\_\_\_\_
- (5) Grounds raised (list each)
- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_
- (d) \_\_\_\_\_

**CAUTION:** If you are attacking a sentence imposed under a federal judgment, you must first file a direct appeal or motion under 28 U.S.C. § 2255 in the federal court which entered the judgment.

10. State **CONCISELY** every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a **SINGLE** page only behind this page.

**CAUTION:** If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds on a later date.

10. Continued

a. Ground One \_\_\_\_\_

Supporting FACTS (tell your story BRIEFLY without citing cases or law.)

**CAUTION:** you must state facts not conclusions in support of your grounds. A rule of thumb to follow is - who did exactly what to violate your rights at what time or place.

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b. Ground Two \_\_\_\_\_

Supporting FACTS (tell your story BRIEFLY without citing cases or law.)

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10. Continued

c. Ground Three \_\_\_\_\_

Supporting FACTS (tell your story BRIEFLY without citing cases or law.)

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d. Ground Four \_\_\_\_\_

Supporting FACTS (tell your story BRIEFLY without citing cases or law.)

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11. Have you filed previous petitions for habeas corpus, motions under Section 2255 of Title 28, United States Code, or any other applications, petitions, or motions with respect to this conviction?

( ) Yes

( ) No

12. If your answer to question number 11 was "yes," give the following information:

- a. (1) Name of Court \_\_\_\_\_
- (2) Nature of proceeding \_\_\_\_\_
- (3) Grounds raised \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (4) Result \_\_\_\_\_
- (5) Date of result \_\_\_\_\_
- (6) Citation or number of any written opinion or order entered pursuant to each such disposition.
- \_\_\_\_\_

- b. (1) Name of Court \_\_\_\_\_
- (2) Nature of proceeding \_\_\_\_\_
- (3) Grounds raised \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- (4) Result \_\_\_\_\_
- (5) Date of result \_\_\_\_\_
- (6) Citation or number of any written opinion or order entered pursuant to each such disposition.
- \_\_\_\_\_

13. If you did not file a motion under Section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

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14. Are you presently represented by counsel? ( ) Yes ( ) No

If so, please give the name, address, and telephone number: \_\_\_\_\_

\_\_\_\_\_

Case name and court \_\_\_\_\_

\_\_\_\_\_

15. If you are seeking leave to proceed in forma pauperis, have you completed the declaration setting forth the required information:

( ) Yes ( ) No

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

Signed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Petitioner

**DECLARATION**

I, \_\_\_\_\_, declare under penalty of perjury that I have read and subscribe to the above and state that the information contained therein is true and correct to the best of my knowledge.

Executed \_\_\_\_\_ at \_\_\_\_\_  
(date) (place)

\_\_\_\_\_  
(Signature of Petitioner)